

BOARD OF SUPERVISORS

MINUTES

February 25, 2004

Supervisors in Attendance:

Mr. Kelly E. Miller, Chairman
Mr. Edward B. Barber, Vice Chrm.
Mrs. Renny B. Humphrey
Mr. R. M. "Dickie" King, Jr.
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Ms. Donna Arrington,
Accounting Manager
Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. Craig Bryant, Dir.,
Utilities
Dr. Billy Cannaday, Jr.,
Supt., School Board
Ms. Jana Carter, Dir.,
Youth Services
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Rebecca Dickson, Dir.,
Budget and Management
Ms. Lisa Elko, CMC
Clerk
Chief Stephen A. Elswick,
Fire Department
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Thomas E. Jacobson,
Dir., Planning
Mr. H. Edward James,
Dir., Purchasing
Mr. Donald Kappel, Dir.,
Public Affairs
Ms. Kathryn Kitchen, Asst.
Supt. of Schools for
Business and Finance
Ms. Pat Kizzie, Asst.
Dir., Social Services
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Dr. William Nelson,
Dir., Health Dept.
Mr. Glen Peterson, Dir.,
Community Diversion
Incentive Program

Mr. Francis Pitaro, Dir.,
General Services
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Thomas Taylor, Dir.,
Block Grant Office
Mr. Scott Zaremba, Asst.
Dir., Human Resource
Management

Mr. Miller called the regularly scheduled meeting to order at 3:37 p.m.

1. APPROVAL OF MINUTES FOR FEBRUARY 11, 2004

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved the minutes of February 11, 2004, as submitted.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

O YOUTH SERVICES CITIZEN BOARD RECOMMENDATIONS

Ms. Carter recognized members of the Youth Services Citizen Board who were present at the meeting to brief the Board on the results of the SAY, SO! (Strictly About Youth, Speak Out!) community forum.

Youth Services Citizen Board members James Dunford, Diann DeLaPena, Ashley Smith and Katie Greenly provided details of topics discussed at the forum as well as results and recommendations from the forum.

Mr. Miller thanked members of the Youth Services Board for the presentation.

3. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. Barber, seconded by Mr. King, the Board replaced Item 8.D.7.c., Set Date for Public Hearing to Consider the Appropriation of Funds Associated with the Refunding of General Obligation Public Improvement Bonds and Adoption of a Resolution Authorizing the Refunding; and adopted the Agenda, as amended.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

There were no resolutions or special recognitions at this time.

6. WORK SESSION

O COUNTY ADMINISTRATOR'S FY2005 PROPOSED BUDGET INCLUDING PRESENTATIONS FROM THE HUMAN SERVICES DIVISION AND SCHOOL BOARD

Mr. Hammer presented an overview of Human Services' proposed FY2005 budget. He reviewed accomplishments in Human Services, including establishing a Senior Advocate Office; establishing and funding Juvenile Drug Court; establishing and funding a Dual-Diagnosis Treatment Program for Community Corrections; opening a skateboard park at Manchester YMCA; eliminating the psychiatric services backlog; Community Services Board "CARF" certification for all services; opening the new Juvenile Detention Home; completing the Affordable Housing Study; completing the Hispanic Services Survey; implementing the Thinking for a Change and First Offender Programs; opening a therapeutic playground at Huguenot Park; major renovations at Rockwood and Bird athletic facilities; posting the Guide to Services for Youth on the Internet; the Youth Group Home designated "residential program of the year"; and the County Library System listed in top 100 nationally by Hennen's Public American Ratings. He then reviewed accomplishments of the Senior Advocate, including improved information and referral/resource assessment/collaboration building; establishing a home visitor program with the Chesterfield-Colonial Heights Alliance for Social Ministries (CCHASM); and designing a Community Transportation Program. He provided details of the Community Transportation Program.

Mr. Ramsey stated the Community Transportation Program was designed to address concerns expressed at the public hearings regarding the LINK service.

Mr. Hammer continued to provide details of the Community Transportation Program. He then reviewed number of consumers served by the Community Services Board (CSB); CSB expenditures; average monthly caseload for food stamps, Medicaid and Temporary Assistance for Needy Families (TANF); adult protective service investigations; and benefits distributed through Social Services. He provided details of various workload measures in the Health Department. He reviewed data relative to Juvenile Probation and Detention Home services.

Discussion ensued relative to the new state admission screening tool that limits children entering detention homes and to the possibility of the state redistributing the population from state juvenile facilities into the county's unused detention home beds.

Mr. Hammer reviewed participation in recreation programs from FY99 through FY03. He then reviewed Library circulation

data; Libraries CIP Projects for 2005-2010; and data relative to Cooperative Extension customers.

Mrs. Humphrey expressed concerns that the "Keep Chesterfield Clean" coordinated effort has been suspended as a result of state budget cuts; therefore, more trash is being seen along county roads.

Mr. Hammer reviewed issues and trends in Human Services, including declining state support especially in criminal justice and mental health programs; increasing reliance on Medicaid funding; sustainability of the drug court program once federal funding expires; and the need for basketball space north of Hull Street.

Mrs. Humphrey suggested that staff explore the use of empty commercial buildings throughout the county for basketball practice space.

Mr. Hammer continued to review Human Services' issues and trends, including a waiting list for mental retardation residential services; detection and control of the West Nile Virus/Equine Encephalitis; increase in adult protective services caseload; and increase in Department of Social Services benefits caseload/staffing. He provided details of West Nile Virus chronology, data and strategy. He stated the county's Hispanic population increased from 2,500 in 1990 to 7,063 in 2000, indicating that more Hispanic customers are being seen in the Health Department, Parks and Recreation and criminal justice areas. He reviewed new initiatives in Human Services, including construction of Chester House; enhanced web pages for seniors and caregivers; field hockey venue; community transportation; Spanish-friendly services; renaming Youth Services to Youth Planning and Development; Library Readers Advisory Program; Library/Public School Library Programming Needs Study underway; and Independent Living Expansion at Lucy Corr Village. He provided details of activities surrounding Chesterfield 2007. He reviewed the distribution of affordable housing throughout the county, indicating that the county is recognized as the most affordable housing locality in the Richmond Statistical Metropolitan Service Area.

Discussion ensued relative to funding and marketing of Chesterfield 2007 events.

Mr. Hammer introduced Dr. Cannaday to provide an overview of the School Board's approved FY2005-2006 operating budget.

Dr. Cannaday reviewed revenue facts and expenditure facts from FY1998-FY2004. He expressed concerns relative to underfunding of special education mandates, particularly on the federal level. He reviewed spending priorities of the past three years, including 50 percent for salaries and benefits; 30 percent for preparing each student for success; and 20 percent to provide a safe and effective learning environment. He stated the proposed FY2005-2006 budget anticipates increased revenue and includes no new initiatives, noting that unfunded requests total more than \$14 million. He reviewed increased revenue anticipated in FY2005-2006. He reviewed increased expenditures in the area of "First Choice" Employer, including \$8.6 million in Virginia Retirement System costs; \$3.8 million for health

insurance costs; \$2.0 million for supplemental retirement plan costs; and \$8.8 million for salary increases. He then reviewed increased expenditures in the area of preparing each student for success, including \$3.6 million to address student growth; \$1.6 million for services for special education and ESL students; and \$1.1 million for overcrowding relief for middle schools and expansion of the center-based gifted program. He stated, in order to balance the Schools' budget, a choice was made to increase class averages by one student at all levels, which will provide an additional \$5.0 million. He reviewed proposed expenditures in the area of safe and effective learning environment, including \$1.2 million for county services and \$1.3 million for operating costs for facility maintenance and transportation services. He stated the total budget adopted by the School Board for FY2005 is \$415,842,500 to support over 7,000 employees and over 56,000 students. He noted that expectations drive expenditure requests. He stated that, because revenue is not keeping pace at this time with expectations, a program review and evaluation will be completed prior to development of the FY2006 budget. Lastly, he reviewed priorities for 2004-2006 and stated the budget is about "having the right people to make a difference for our children."

Mr. Miller thanked Dr. Cannaday for the informative presentation.

Mr. Barber expressed concerns that budgets cannot be formalized until state budget reductions have been finalized.

Discussion ensued relative to General Assembly lobbying efforts by the Schools relative to growth and funding issues in education.

Dr. Cannaday stated there is underfunding in education at both the state and federal levels. He further stated the School Board raised concerns this year about the extent to which federal funding could be used as a substitute for meeting the standards of quality commitments at the state level and the possibility of spreading the additional costs associated with the Virginia Retirement System over several years. He stated he will provide a written summary to Mr. Ramsey and the Board relative to Schools' lobbying efforts and legislative results.

Mr. Miller suggested that Dr. Cannaday meet with Congressmen Cantor and Forbes relative to underfunding of mandated special education services.

Mr. Warren stated education and lack of adequate funding for education is a priority on VACo's agenda. He further stated he believes that working with our congressmen can be a very effective tool in securing additional funding.

Mr. King commended Dr. Cannaday for his passion and love for Chesterfield County's students and teachers.

7. DEFERRED ITEMS

O TO CONSIDER THE PROPOSED SUBDIVISION CONNECTIVITY POLICY

Mr. Kirk Turner, Development Manager, stated the proposed Subdivision Connectivity Policy establishes criteria for the

interconnection of subdivisions, the extension of stub streets into adjacent property, and sets forth recommended spacing for through streets within projects based upon the density of the development. He further stated the policy was deferred to allow staff time to address concerns regarding the changes that occur to existing established neighborhoods when old stub roads are connected to new development. He stated staff was also asked to investigate the possibility of requiring a 4/5th majority vote to modify requirements for connectivity. He further stated the County Attorney has advised that a 4/5th vote cannot legally be required to modify standards. He stated staff was unable to develop criteria, which would rationally and logically allow certain connections to be waived when the additional traffic would be detrimental to the character of the neighborhood and the quality of life of residents near older stub streets. He noted that all of the criteria staff prepared and evaluated would only serve to create greater debate over when connections should be made rather than serve to facilitate logical resolution of these concerns. He further stated staff, therefore, recommends that the Board adopt the policy as recommended, recognizing that occasionally due to unique circumstances some connections should not be made when the resulting detriment to the overall character of the area and quality of life is of greater consequence than the resulting benefit to the health, safety and welfare of the entire community. He stated these situations should be evaluated individually and exempted from the connectivity requirements by the Board of Supervisors and the Planning Commission when it is deemed appropriate.

In response to Mr. Barber's question, Mr. Micas stated, with very few exceptions, state law requires that all Board decisions be on a majority basis; therefore, the Board could not require a 4/5th majority vote to modify requirements for connectivity.

Mr. Barber requested that, if approval of a zoning request would include modification of the connectivity policy, this information should be highlighted in staff's analysis of the request.

Mr. Miller expressed concerns relative to homeowners in existing small subdivisions having to deal with additional traffic as a result of connectivity to new development.

Mr. King noted that some roads in older subdivisions might not be built to the standards necessary to accommodate additional traffic.

Mrs. Humphrey inquired whether the Transportation Department reviewed the Thoroughfare Plan to determine where proposed connections into older subdivisions were located.

Mr. Turner stated the Thoroughfare Plan was evaluated, indicating that the policy recommends spacing requirements for through roads, which are higher classification than subdivision streets but are of a less classification than the roads identified on the Thoroughfare Plan. He further stated that when reviewing tentative subdivision proposals, the Transportation Department looks at the traffic shed and all the traffic that could potentially come through the subdivision.

Mrs. Humphrey expressed concerns that this review occurs during the site plan process rather than through the zoning process.

Mr. Miller stated he had hoped staff could provide guidelines for the Planning Commission and Board to use when considering exemptions from connectivity requirements.

Mr. Turner stated, in staff's opinion, 1,500 vehicles per day should be an acceptable level of traffic.

Mrs. Humphrey expressed concerns that the policy would provide developers with the right to tie into older neighborhoods rather than requiring them to construct a second access.

In response to Mr. Barber's question, Mr. Turner stated the decision to provide an exemption from connectivity requirements could be made on several levels, indicating the Board often considers connectivity through the zoning process. He further stated staff believes connectivity decisions are better made at the time of subdivision review because an accurate layout of roads and lots are available at that time. He noted the Planning Commission will deal with connectivity issues when subdivisions are submitted directly to the Planning Commission for approval or when subdivision issues are appealed to the Commission.

Mr. Barber stated connectivity is often used as a negotiating point in zoning cases, indicating that traffic problems on main roads are exasperated when negotiations result in not allowing connectivity into an existing subdivision. He further stated staff can highlight in its analysis of zoning cases that negotiations have resulted in deviation from the connectivity policy, but the Board would not be provided this opportunity through the subdivision process.

Mr. Miller stated again that he believes specific criteria for exemptions from the connectivity policy would be extremely beneficial.

Mr. Warren stated he agrees with Mr. Miller and would prefer that the issue be deferred for further discussion.

After brief discussion, Mr. Warren made a motion, seconded by Mr. King, for the Board to defer the Subdivision Connectivity Policy until April 28, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Mr. Miller excused himself from the meeting.

8. NEW BUSINESS

8.A. AUTHORIZATION TO ADVERTISE TAX RATES FOR FY2005 AND FY2006 BIENNIAL FINANCIAL PLAN AND SET PUBLIC HEARINGS

Ms. Dickson stated the Board is being requested to advertise tax rates for the calendar year 2004, the proposed FY2005 and FY2006 Biennial Financial Plan, the proposed FY2005-2011 Capital Improvement Program, the proposed FY2005 Community Development Block Grant Program and other ordinance changes

necessary to achieve the revenues included in the Biennial Financial Plan. She further stated the County Administrator recommends advertising tax rates at the current rates.

Mr. Ramsey noted that state law precludes the Board from increasing the tax rate above the advertised rate without going through another public hearing process.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the advertisement of tax rates, the proposed FY2005 and FY2006 Biennial Financial Plan, the proposed FY2005-2011 Capital Improvement Program, the FY2005 Community Development Block Grant Program, and other ordinance changes.

And, further, the Board set the date of March 24, 2004 beginning at 7:00 p.m. for public hearings to consider these items.

Ayes: Barber, Humphrey, King and Warren.

Nays: None.

Absent: Miller.

Mr. Miller returned to the meeting.

8.B. STREETLIGHT INSTALLATION COST APPROVALS

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved the following streetlight installation requests:

Bermuda District

- Old Happy Hill Road, vicinity of 13271
Cost to install streetlight: \$90.47
- At the entrance to the Lora Lynn Heights Subdivision
Intersection of Harrowgate Road and Lora Lynn Road
Cost to install streetlight: \$1,763.34
- In the Amherst Subdivision
Amherst Ridge Loop, vicinity of 2732
Cost to install streetlight: \$372.49

Amherst Ridge Loop, vicinity of 2833
Cost to install streetlight: \$372.49

Amherst Ridge Place, vicinity of 16715
Cost to install streetlight: \$372.49

Amherst Oak Lane, vicinity of 16625
Cost to install streetlight: \$372.49
- In the Dalewood Subdivision
Mountclair Road, vicinity of 3000
Cost to install streetlight: \$117.12

Clover Hill District

- In the Thornridge Subdivision in Brandermill
Intersection of Thornridge Lane and West Village Green Drive
Cost to install streetlight: \$8,419.23

Dale District

- In the Wilkinson Terrace Subdivision
Sherman Road, vicinity of 4420
Cost to install streetlight: \$117.12

Sherman Road, vicinity of 4428
Cost to install streetlight: \$117.12

Matoaca District

- In the McCormick Woods Subdivision
Fox Maple Terrace, in the vicinity of 5719
Cost to install streetlight: \$896.96

And, further, the Board deferred the following streetlight request in the Bermuda District until July 28, 2004:

- Arrowfield Road, in the vicinity of 2405
Cost to install streetlight: \$2,303.70

(It is noted the design cost of \$186.96 for the Arrowfield Road streetlight will be paid out of the Bermuda District Improvement Fund; the \$2,303.70 quotation will expire; and staff will obtain a new quotation for the streetlight prior to the July 28, 2004 meeting.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.C. APPOINTMENTS

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board suspended its rules at this time to allow for simultaneous nomination/appointment of members to serve on the Youth Services Citizen Board and the Disability Services Board.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.C.1. YOUTH SERVICES CITIZEN BOARD

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board simultaneously nominated/appointed Ms. Patty Gilstrap, an adult representing the Matoaca District, to serve on the Youth Services Citizen Board, whose term is effective immediately and expires June 30, 2005. (It is noted Ms. Gilstrap will fill the unexpired term of Mr. Kevin Christian.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.C.2. DISABILITY SERVICES BOARD

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed Dr. Joseph C. Seay, representing the county at-large, and Ms. Susan Payne, representing the Midlothian District, to serve on the

Disability Services Board, whose terms are effective immediately and expire December 31, 2005.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.D. CONSENT ITEMS

8.D.1. STATE ROAD ACCEPTANCE

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Stoney Glen South, Section 2 and a Portion of Stoney Glen South, Section 1

● Baltustrol Avenue, State Route Number: 5393

From: 0.01 Mi. E of Dampier Dr., (Rt. 5397)

To: Woodleigh Dr., (Rt. 5668), a distance of: 0.07 miles.

Right-of-way record was filed on 5/9/2002 with the Office Of Clerk Of Circuit Court in Pb. 126; Pg.7, with a width of 50 Ft.

● Claybon Lane, State Route Number: 5669

From: Woodleigh Dr., (Rt. 5668)

To: 0.04 Mi. E of Woodleigh Dr., (Rt. 5668), a distance of: 0.04 miles.

Right-of-way record was filed on 5/9/2002 with the Office Of Clerk Of Circuit Court in Pb. 126; Pg.7, with a width of 50 Ft.

● **Dampier Court, State Route Number: 5667**

From: Dampier Dr., (Rt. 5397)
To: 0.01 Mi. E of Dampier Dr., (Rt. 5397), a distance of: 0.01 miles.

Right-of-way record was filed on 5/9/2002 with the Office Of Clerk Of Circuit Court in Pb. 126; Pg.7, with a width of 50 Ft.

● **Dampier Drive, State Route Number: 5397**

From: Tooley Dr., (Rt. 5666)
To: Dampier Ct., (Rt. 5667), a distance of: 0.07 miles.

Right-of-way record was filed on 5/9/2002 with the Office Of Clerk Of Circuit Court in Pb. 126; Pg.7, with a width of 50 Ft.

● **Dampier Drive, State Route Number: 5397**

From: Dampier Ct., (Rt. 5667)
To: 0.04 Mi. N of Dampier Ct., (Rt. 5667), a distance of: 0.04 miles.

Right-of-way record was filed on 5/9/2002 with the Office Of Clerk Of Circuit Court in Pb. 126; Pg.7, with a width of 50 Ft.

● **Faraday Drive, State Route Number: 5670**

From: Woodleigh Dr., (Rt. 5668)
To: Beachmere Dr., (Rt. 5394), a distance of: 0.06 miles.

Right-of-way record was filed on 5/9/2002 with the Office Of Clerk Of Circuit Court in Pb. 126; Pg.7, with a width of 50 Ft.

Right-of-way record was filed on 4/23/2001 with the Office Of Clerk Of Circuit Court in Pb. 116; Pg.80, with a width of 50 Ft.

● **Faraday Drive, State Route Number: 5670**

From: Woodleigh Dr., (Rt. 5668)
To: 0.09 Mi. E of Woodleigh Dr., (Rt. 5668), a distance of: 0.09 miles.

Right-of-way record was filed on 5/9/2002 with the Office Of Clerk Of Circuit Court in Pb. 126; Pg.7, with a width of 50 Ft.

● **Faraday Place, State Route Number: 5671**

From: Faraday Dr., (Rt. 5670)
To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 5/9/2002 with the Office Of Clerk Of Circuit Court in Pb. 126; Pg.7, with a width of 50 Ft.

● **Tooley Drive, State Route Number: 5666**

From: Branders Bridge Rd., (Rt. 625)
To: Dampier Dr., (Rt. 5397), a distance of: 0.10 miles.

Right-of-way record was filed on 5/9/2002 with the Office Of Clerk Of Circuit Court in Pb. 126; Pg.7, with a width of 50 Ft.

● **Tooley Drive, State Route Number: 5666**

From: Dampier Dr., (Rt. 5397)

To: 0.01 Mi. E of Dampier Dr., (Rt. 5397), a distance of: 0.01 miles.

Right-of-way record was filed on 5/9/2002 with the Office Of Clerk Of Circuit Court in Pb. 126; Pg.7, with a width of 50 Ft.

● **Woodleigh Drive, State Route Number: 5668**

From: Baltustrol Av., (Rt. 5393)

To: 0.15 Mi. S of Baltustrol Av., (Rt. 5393), a distance of: 0.15 miles.

Right-of-way record was filed on 5/9/2002 with the Office Of Clerk Of Circuit Court in Pb. 126; Pg.7, with a width of 50 Ft.

● **Woodleigh Drive, State Route Number: 5668**

From: Baltustrol Av., (Rt. 5393)

To: Claybon Ln., (Rt. 5669), a distance of: 0.13 miles.

Right-of-way record was filed on 5/9/2002 with the Office Of Clerk Of Circuit Court in Pb. 126; Pg.7, with a width of 50 Ft.

● **Woodleigh Drive, State Route Number: 5668**

From: Claybon Ln., (Rt. 5669)

To: Faraday Dr., (Rt. 5670), a distance of: 0.07 miles.

Right-of-way record was filed on 5/9/2002 with the Office Of Clerk Of Circuit Court in Pb. 126; Pg.7, with a width of 50 Ft.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.2. AUTHORIZATION FOR TRANSFER OF FUNDS FROM THE SEWER FACILITIES REHAB PROJECT TO THE FALLING CREEK WASTEWATER TREATMENT PLANT DIGESTION EQUIPMENT PROJECT AND APPROVAL OF CHANGE ORDER

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the transfer of \$325,000 from Project Number 89-8601, Sewer Facilities Rehab, to Project Number 00-0126, Falling Creek Wastewater Treatment Plant Digestion Equipment.

And, further, the Board authorized the County Administrator to execute a change order in the amount of \$466,318 for Project Number 00-0126.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.3. REQUESTS FOR PERMISSION

8.D.3.a. FROM THE TRUSTEES OF WINFREE MEMORIAL BAPTIST CHURCH FOR A PROPOSED SIGN TO ENCROACH WITHIN A SIXTEEN-FOOT WATER EASEMENT

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from Winfree Memorial Baptist Church for permission for a proposed sign to encroach within a 16-foot

water easement, subject to the execution of a license agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.3.b. FROM RICHARD W. AND AMY H. SPERBER FOR A PRIVACY FENCE TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 27, ASHLEY FOREST, SECTION C

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from Richard W. and Amy H. Sperber for permission for a privacy fence to encroach within a 16-foot drainage easement across Lot 27, Ashley Forest, Section C, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.3.c. FROM AMBERLEIGH, LLC FOR A CONCRETE PATIO TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from Amberleigh, LLC, for permission for a concrete patio to encroach within a 16-foot drainage easement, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.3.d. FROM ROBERT G. AND KAREN P. VERLANDER FOR AN EXCEPTION TO THE USE OF PUBLIC WASTEWATER FOR A PROPOSED RESIDENTIAL STRUCTURE LOCATED AT 3710 WHITEHOUSE ROAD

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from Robert G. and Karen P. Verlander for an exception to the use of public wastewater for a proposed residential structure located at 3710 Whitehouse Road. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.4. APPROVAL OF SEWER CONTRACT FOR THE TOMAHAWK CREEK TRUNK, PHASE 1 - WATERMILL PROJECT

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved the following sewer contract for the Tomahawk Creek Trunk, Phase 1 - Watermill Project, Contract Number 03-0109, which includes the extension of 1,202 L.F. + of 36-inch oversized wastewater lines and 47.5 L.F. + of 42-inch oversized wastewater lines:

Developer: Centex Homes
Contractor: Castle Equipment Corporation
Contract Amount:
 Estimated County Cost for Oversizing . . \$80,820.52
 Estimated Developer Cost \$103,940.40
 Estimated Total. \$184,760.92
Code: (Refunds thru Connections - Oversizing) 5N-572VO-E4C
District: Clover Hill

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

**8.D.5. REQUEST TO QUITCLAIM A PORTION OF A VARIABLE WIDTH
SEWER EASEMENT ACROSS THE PROPERTY OF WACHOVIA BANK,
NATIONAL ASSOCIATION**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a variable width easement across the property of Wachovia Bank, National Association. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.D.6. ACCEPTANCE OF PARCELS OF LAND

**8.D.6.a. ALONG THE NORTH RIGHT OF WAY LINE OF WEST HUNDRED
ROAD FROM THOMAS M. AND FLORINE A. STRICKLAND**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board accepted the conveyance of two parcels of land, containing a total of 0.070 acres, along the north right of way line of West Hundred Road (State Route 10) from Thomas M. and Florine A. Strickland, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

**8.D.6.b. ALONG THE NORTH RIGHT OF WAY LINE OF WEST HUNDRED
ROAD FROM TRUSTEES OF THE CROWDER TRUST**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board accepted the conveyance of a parcel of land, containing 0.022 acres, along the north right of way line of West Hundred Road (State Route 10) from Trustees of The Crowder Trust, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

**8.D.6.c. ALONG THE WEST RIGHT OF WAY LINE OF OTTERDALE ROAD
FROM DONALD F. GOBBLE AND VIRGINIA S. GOBBLE**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board accepted the conveyance of a parcel of land containing 0.117

acres along the west right of way line of Otterdale Road (State Route 667) from Donald F. Gobble and Virginia S. Gobble, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.7. SET DATES FOR PUBLIC HEARINGS

8.D.7.a. TO CONSIDER THE APPROVAL OF A GROUND LEASE IN CONNECTION WITH CERTIFICATES OF PARTICIPATION FINANCING FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board set the date of March 10, 2004 at 7:00 p.m. for a public hearing to consider the approval of a ground lease in connection with Certificates of Participation financing for the Community Development Building, Chester House Rehabilitative Facility and Airport Hangar Space at the Chesterfield County Airport.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.7.b. TO CONSIDER FY2005 ENHANCEMENT PROJECTS

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board set the date of March 10, 2004 at 7:00 p.m. for a public hearing to consider FY2005 Enhancement Projects.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.7.c. TO CONSIDER THE APPROPRIATION OF FUNDS ASSOCIATED WITH THE REFUNDING OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS AND ADOPTION OF A RESOLUTION AUTHORIZING THE REFUNDING

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board set the date of March 10, 2004 at 7:00 p.m. for a public hearing to consider the appropriation of up to \$80,000,000 for the refunding of general obligation public improvement bonds and associated closing costs.

And, further, the Board adopted the following resolution:

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF AN ISSUE OF NOT TO EXCEED EIGHTY MILLION DOLLARS (\$80,000,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BONDS, SERIES OF 2004, OF THE COUNTY OF CHESTERFIELD, VIRGINIA, FOR THE PURPOSE OF REFUNDING IN ADVANCE OF THEIR STATED MATURITIES A PORTION OF THE COUNTY'S GENERAL OBLIGATION PUBLIC IMPROVEMENT AND REFUNDING BONDS, SERIES OF 1991, A PORTION OF THE COUNTY'S GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES OF 1997, A PORTION OF THE COUNTY'S GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES A OF 1998, A PORTION OF THE COUNTY'S GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES

OF 2000, AND A PORTION OF THE COUNTY'S GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS SERIES OF 2001; FIXING THE FORM, DENOMINATION AND CERTAIN OTHER DETAILS OF SUCH BONDS; PROVIDING FOR THE SALE OF SUCH BONDS AND DELEGATING TO THE COUNTY ADMINISTRATOR CERTAIN POWERS WITH RESPECT THERETO; AUTHORIZING AND PROVIDING FOR THE PREPARATION AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT RELATING TO SUCH BONDS; AND PROVIDING WITH RESPECT TO CERTAIN OTHER MATTERS RELATED THERETO.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA:

SECTION 1. Findings and Determination. (a) Pursuant to Chapter 5 of Title 15.1 of the Code of Virginia, 1950, as then in effect, an election duly called and held in the County of Chesterfield, Virginia (the "County"), on November 8, 1988 and an Order of the Circuit Court of the County dated December 8, 1988, and pursuant to resolutions adopted by this Board on November 13, 1991 and November 27, 1991 (and readopted on December 11, 1991), respectively, there were authorized to be issued, sold and delivered the County's \$82,610,000 principal amount of General Obligation Public Improvement and Refunding Bonds, Series of 1991, dated November 15, 1991 and maturing in varying principal amounts on July 15 in each of the years 1992 to 2007, both inclusive, and on July 15 in the year 2011 (the "Series of 1991 Bonds").

(b) Pursuant to Chapter 5 of Title 15.1 of the Code of Virginia, 1950, as then in effect, an election duly called and held in the County on November 5, 1996 and an Order of the Circuit Court of the County dated January 6, 1997, and pursuant to a resolution adopted by this Board on January 8, 1997, there were authorized to be issued, sold and delivered the County's \$12,800,000 principal amount of General Obligation Public Improvement Bonds, Series of 1997, dated January 15, 1997 and maturing in varying principal amounts on January 1 in each of the years 1998 to 2011, both inclusive, and on January 1 in each of the years 2014 and 2017 (the "Series of 1997 Bonds").

(c) Pursuant to Chapter 5.1 of Title 15.1 of the Code of Virginia, 1950, recodified effective December 1, 1997 as Chapter 26 of Title 15.2 of the Code of Virginia, 1950, an election duly called and held in the County on November 5, 1996 and an Order of the Circuit Court of the County, dated January 6, 1997, and pursuant to a resolution duly adopted by this Board on December 10, 1997, there were authorized to be issued, sold and delivered the County's \$64,265,000 principal amount of General Obligation Public Improvement Bonds, Series A of 1998, dated January 15, 1998 and maturing in varying principal amounts on January 1 in each of the years 1999 to 2018, both inclusive (the "Series A of 1998 Bonds").

(d) Pursuant to Chapter 5.1 of Title 15.1 of the Code of Virginia, 1950, recodified effective December 1, 1997 as Chapter 26 of Title 15.2 of the Code of Virginia, 1950, an election duly called and held in the County on November 5, 1996 and an Order of the Circuit Court of the County, dated January 6, 1997, and pursuant to a resolution duly adopted by this Board on December 10, 1997, there were authorized to be issued, sold and delivered the County's \$38,050,000 principal amount of General Obligation Public Improvement Bonds, Series

of 2000, dated January 15, 2000 and maturing in varying principal amounts on January 15 in each of the years 2001 to 2020, both inclusive (the "Series of 2000 Bonds").

(e) Pursuant to Chapter 5.1 of Title 15.1 of the Code of Virginia, 1950, recodified effective December 1, 1997 as Chapter 26 of Title 15.2 of the Code of Virginia, 1950, an election duly called and held in the County on November 5, 1996 and an Order of the Circuit Court of the County, dated January 6, 1997, and pursuant to a resolution duly adopted by this Board on December 10, 1997, there were authorized to be issued, sold and delivered the County's \$60,355,000 principal amount of General Obligation Public Improvement Bonds, Series of 2001, dated February 15, 2001 and maturing in varying principal amounts on January 15 in each of the years 2002 to 2021, both inclusive (the "Series of 2001 Bonds").

(f) Pursuant to Article 5 of the Public Finance Act of 1991 (Sections 15.2-2643 through 15.2-2649, both inclusive, of the Code of Virginia, 1950, as now in effect), the County is authorized to issue refunding bonds to refund any or all of its bonds in advance of their stated maturities.

(g) This Board deems it advisable and in the interest of the County to refund in advance of their stated maturities all or a portion of one or more of the outstanding maturities of the Series of 1991 Bonds, the Series of 1997 Bonds, the Series A of 1998 Bonds, the Series of 2000 Bonds and the Series of 2001 Bonds (the "Refunded Bonds").

(h) This Board deems it advisable and in the best interest of the County to authorize and provide for the issuance, sale and delivery pursuant to such Article 5 of the Public Finance Act of 1991 (Sections 15.2-2643 through 15.2-2649, both inclusive, of the Code of Virginia, 1950, as now in effect) of an issue of General Obligation Public Improvement Refunding Bonds, Series of 2004, for the purpose of refunding in advance of their stated maturities all or a portion of the Refunded Bonds.

SECTION 2. Authorization of General Obligation Public Improvement Refunding Bonds. For the purpose of refunding in advance of their stated maturities all or a portion of the bonds described in Section 1, there are hereby authorized to be issued, sold and delivered an issue of general obligation public improvement refunding bonds of the County in a principal amount not exceeding \$80,000,000 to be designated and known as "General Obligation Public Improvement Refunding Bonds, Series of 2004" (the "Bonds"). The Bonds are to be issued pursuant to the provisions of Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991).

SECTION 3. Approval of the Details and Sale of the Bonds. (a) The Bonds shall be dated such date and shall bear interest from their date payable on such date and semiannually thereafter, as shall be determined by the County Administrator. The Bonds shall mature and become due and payable on such date or dates not exceeding twenty (20) years from their date and in such principal amounts on each such date as shall be determined by the County Administrator.

(b) (i) The Bonds shall be issued only in fully registered form. One Bond representing each maturity of the Bonds will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, as registered owner of the Bonds, and each such Bond shall be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Purchasers will not receive physical delivery of certificates representing their interests in the Bonds purchased.

(ii) Principal and interest payments on the Bonds will be made by the County by wire transfer to DTC or its nominee, Cede & Co., or such other nominee of DTC, as registered owner of the Bonds, which will in turn remit such payments to the DTC participants for subsequent disbursement to the beneficial owners of the Bonds. Transfers of principal and interest payments to DTC participants will be the responsibility of DTC. Transfers of such payments to beneficial owners of the Bonds by DTC participants will be the responsibility of such participants and other nominees of such beneficial owners. Transfers of ownership interests in the Bonds will be accomplished by book entries made by DTC and, in turn, by the DTC participants who act on behalf of the indirect participants of DTC and the beneficial owners of the Bonds.

(iii) The County will not be responsible or liable for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants or for transmitting payments to, communicating with, notifying, or otherwise dealing with any beneficial owner of the Bonds. So long as the Bonds are in book-entry only form, the County Treasurer will serve as Registrar and Paying Agent for the Bonds. The County reserves the right to designate a successor Registrar and Paying Agent for the Bonds if the Bonds at any time cease to be in book-entry only form.

(c) The Bonds shall be subject to redemption at the option of the County prior to their stated maturities, in whole or in part at any time, on such dates and with such redemption premiums, if any, as shall be determined by the County Administrator.

(d) In accordance with and subject to the provisions of the Detailed Notice of Sale of the Bonds, bidders may provide that all the Bonds shall be issued as serial Bonds or may provide that any two or more consecutive annual principal amounts shall be combined into one or more term Bonds. If the successful bidder designates principal amounts to be combined into one or more term Bonds, each such term Bond shall be subject to mandatory sinking fund redemption commencing on such date in the first year which has been combined to form such term Bond and continuing on such date in each year thereafter until the stated maturity date of that term Bond. The amount redeemed in any year shall be equal to the principal amount of serial Bonds that would otherwise have matured in such year. Bonds to be redeemed in any year by mandatory sinking fund redemption shall be

redeemed at par and shall be selected by lot from among the Bonds then subject to redemption. The County, at its option, may credit against any mandatory sinking fund redemption requirement term Bonds of the maturity then subject to redemption which have been purchased and cancelled by the County or which have been redeemed and not theretofore applied as a credit against any mandatory sinking fund redemption requirement.

(e) If any Bond (or any portion of the principal amount thereof in installments of \$5,000) shall be subject to redemption and shall be called for redemption, notice of the redemption thereof, specifying the date, number and maturity of such Bond, the date and place or places fixed for its redemption and if less than the entire principal amount of such Bond is to be redeemed, that such Bond must be surrendered in exchange for the principal amount thereof to be redeemed and a new Bond or Bonds issued equalling in principal amount that portion of the principal amount thereof not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption by first class mail, postage prepaid, to the registered owner of such Bond at his address as it appears on the books of registry kept by the Registrar for the Bonds. The Registrar shall not be required to exchange or transfer any Bond later than the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption of such Bond or any portion thereof. If notice of the redemption of any Bond shall have been given as aforesaid, and payment of the principal amount of such Bond (or the portion of the principal amount thereof to be redeemed) and of the accrued interest payable upon such redemption shall have been duly made or provided for, interest on such Bond shall cease to accrue from and after the date so specified for redemption thereof. So long as the Bonds of any series are in book-entry only form, any notice of redemption will be given only to DTC or its nominee. The County shall not be responsible for providing any beneficial owner of the Bonds with notice of redemption.

SECTION 4. Appointment of County Treasurer as Registrar and Paying Agent; Payment of Bonds; Books of Registry; Exchanges and Transfers of Bonds. (a) Appointment of Registrar and Paying Agent. The County Treasurer is hereby appointed Registrar and Paying Agent for the Bonds (hereinafter referred to as the "Registrar").

(b) Payment of Bonds. (i) At any time during which the Bonds shall be in fully registered form, the interest on the Bonds shall be payable by check mailed by the Registrar to the registered owners of the Bonds at their addresses as the same appear on the books of registry as of the record date for the payment of interest on the Bonds, and the principal of the Bonds shall be payable at the office of the Registrar; *provided, however,* that so long as the Bonds are in book-entry only form and registered in the name of Cede & Co., as nominee of DTC, or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on the Bonds shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer.

(ii) At any time during which the Bonds shall be in book-entry form, the principal of and interest on the

Bonds shall be payable in accordance with the arrangements made with the depository for the Bonds.

(iii) The principal of and interest on the Bonds shall be payable in such coin or currency of the United States of America as at the respective dates of payment is legal tender for public and private debts. Interest on the Bonds shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

(c) Books of Registry; Exchanges and Transfers of Bonds. (i) At all times during which any Bond remains outstanding and unpaid, the Registrar shall keep or cause to be kept at its office, books of registry for the registration, exchange and transfer of the Bonds. Upon presentation at the office of the Registrar for such purpose, the Registrar, under such reasonable regulations as it may prescribe, shall register, exchange, transfer, or cause to be registered, exchanged or transferred, on the books of registry the Bonds as herein set forth.

(ii) Any Bond may be exchanged at the office of the Registrar for a like aggregate principal amount of such Bonds in other authorized principal amounts of the same interest rate and maturity.

(iii) Any Bond may, in accordance with its terms, be transferred upon the books of registry by the person in whose name it is registered, in person or by his duly authorized agent, upon surrender of such Bond to the Registrar for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner in person or his duly authorized agent, in form satisfactory to the Registrar.

(iv) All transfers or exchanges pursuant to this Section 4(c) shall be made without expense to the registered owners of the Bonds, except as otherwise herein provided, and except that the Registrar shall require the payment by the registered owner of any Bond requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All Bonds surrendered pursuant to this Section 4(c) shall be cancelled.

SECTION 5. Execution and Authentication of Bonds; CUSIP Identification Numbers. (a) Execution of Bonds. The Bonds shall be executed in the name of the County by the manual or facsimile signatures of the Chairman and the Clerk of the Board of Supervisors, and the corporate seal of the Board of Supervisors shall be impressed, or a facsimile thereof printed, on the Bonds.

(b) Authentication of Bonds. The County Administrator shall direct the Registrar to authenticate the Bonds and no Bonds shall be valid or obligatory for any purpose unless and until the certificate of authentication endorsed on such Bond shall have been manually executed by the Registrar. Upon the authentication of any Bond the Registrar shall insert in the certificate of authentication the date as of which such Bond is authenticated as follows: (i) if the Bond is authenticated prior to the first interest payment date, the certificate shall be dated as of the date the Bonds are delivered to and

paid for by the initial purchasers thereof, (ii) if the Bond is authenticated upon an interest payment date, the certificate shall be dated as of such interest payment date, (iii) if the Bond is authenticated on or after the record date for the payment of interest on the Bonds and prior to such interest payment date, the certificate shall be dated as of such interest payment date and (iv) in all other instances the certificate shall be dated the date upon which the Bond is authenticated. The execution and authentication of the Bonds in the manner above set forth is adopted as a due and sufficient authentication of the Bonds.

(c) CUSIP Identification Numbers. CUSIP identification numbers may be printed on the Bonds, but neither the failure to print any such number on any Bonds, nor any error or omission with respect thereto, shall constitute cause for failure or refusal by the successful bidder for the Bonds to accept delivery of and pay for the Bonds in accordance with the terms of its bid to purchase the Bonds. No such number shall constitute or be deemed to be a part of any Bond or a part of the contract evidenced thereby and no liability shall attach to the County or any of its officers or agents because of or on account of any such number or any use made thereof.

SECTION 6. Tax Covenant. The County covenants and agrees to comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 and the applicable Treasury Regulations promulgated thereunder throughout the term of the Bonds.

SECTION 7. Sources of Payment of Bonds. The full faith and credit of the County shall be and is hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due. In each year while the Bonds, or any of them, are outstanding and unpaid, the Board of Supervisors is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes in the County are assessed, levied and collected, a tax upon all taxable property within the County, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on the Bonds to the extent other funds of the County are not lawfully available and appropriated for such purpose.

SECTION 8. Form of Bonds. The Bonds shall be in substantially the form set forth in Exhibit A with such necessary or appropriate variations, omissions and insertions as are incidental to their numbers, interest rates and maturities or as are otherwise permitted or required by law or this resolution.

SECTION 9. Preparation and Distribution of Preliminary Official Statement and Preparation, Execution and Delivery of Official Statement; Preliminary Official Statement "Deemed Final" for Purposes of Securities and Exchange Commission Rule 15c2-12. (a) The County Administrator and other appropriate officials and employees of the County are hereby authorized and directed to prepare and distribute, or cause to be prepared and distributed, to prospective purchasers of the Bonds a Preliminary Official Statement relating to the Bonds. All actions taken by the officials, employees, agents and attorneys of the County with respect to the preparation

and distribution of such Preliminary Official Statement prior to the date hereof are hereby ratified and confirmed.

(b) The County Administrator and other appropriate officials and employees of the County are hereby authorized and directed to prepare, or to cause to be prepared, a final Official Statement relating to the Bonds, such final Official Statement to be in substantially the form of the Preliminary Official Statement with the completion therein of the information with respect to the interest rates to be borne by the Bonds as specified by the successful bidder for the Bonds and other definitive details of the Bonds determined upon the sale of the Bonds to the successful bidder therefor.

(c) The County Administrator is hereby authorized to execute and deliver to the representative of the purchasers of the Bonds the final Official Statement relating to the Bonds in accordance with the provisions of the Detailed Notice of Sale relating to the Bonds.

(d) The Preliminary Official Statement shall be "deemed final" as of its date for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 ("Rule 15c2-12") except for the omission of information permitted to be omitted by Rule 15c2-12. The County Administrator is hereby authorized to execute and deliver to the representative of the purchasers of the Bonds a certificate dated the date of the Preliminary Official Statement stating that the Preliminary Official Statement is deemed final by the County for purposes of Rule 15c2-12 as of its date.

SECTION 1. Sale of Bonds. (a) There is hereby delegated to the County Administrator authority, without further action by the Board of Supervisors, to sell the Bonds authorized for issuance under this resolution in accordance with the provisions hereof at competitive sale at such price, plus accrued interest thereon from their date to the date of delivery thereof and payment therefor, and on such other terms and conditions as shall be provided in the Detailed Notice of Sale relating to the Bonds. The County Administrator is hereby authorized to cause to be prepared, published and distributed a Detailed Notice of Sale of the Bonds in such form and containing such terms and conditions as he may deem advisable, subject to the provisions hereof. In lieu of publishing the full text of the Detailed Notice of Sale of the Bonds in accordance with the provisions of the immediately preceding sentence, the County Administrator is hereby authorized to cause a Summary Notice of Sale of the Bonds in such form as the County Administrator shall approve to be published in *The Bond Buyer* on a date selected by the County Administrator.

(b) The County Administrator is hereby authorized to receive bids for the purchase of the Bonds and, without further action by the Board of Supervisors, to accept the bid offering to purchase the Bonds at the lowest true interest cost to the County, computed in accordance with the provisions of the Detailed Notice of Sale; *provided* (i) that such bid is accompanied by a surety bond meeting the conditions specified in the Detailed Notice of Sale and is otherwise in conformity with the Detailed Notice of Sale and (ii) that the true interest cost to the County as specified

in such bid is not in excess of four and one-half percent (4.50%). The County Administrator is hereby further authorized to determine, or to modify the provisions of this resolution with respect to, the dated date of the Bonds, the interest payment dates for the Bonds, the dates on which the Bonds shall mature and the principal amount of the Bonds maturing on each such maturity date and to fix the rates of interest to be borne by the Bonds of each maturity as specified in the bid accepted by him in accordance with the immediately preceding sentence.

(c) The County Administrator is hereby further authorized to execute and deliver to the purchasers of the Bonds authorized for issuance under this resolution a Continuing Disclosure Certificate evidencing the County's undertaking, to comply with the continuing disclosure requirements of Paragraph (b)(5) of such Rule 15c2-12 to the extent applicable to the Bonds. The County Administrator, the Director of Accounting and the County Attorney are hereby authorized to execute and deliver to the purchasers of the Bonds one or more certificates in the forms provided for in the Official Statement relating to the Bonds.

SECTION 11. Authorization to Designate the Refunded Bonds for Redemption; Authorization to Select An Escrow Agent; Authorization to Enter into an Escrow Deposit Agreement; Authorization to Select a Verification Agent. (a) Subject to the sale and receipt of the proceeds of the Bonds, the County Administrator is hereby authorized to designate the Refunded Bonds for redemption on such date or dates as the County Administrator shall determine and is hereby further authorized to request the County Treasurer, as Registrar and Paying Agent for the Refunded Bonds, to cause the notice of the redemption of the Refunded Bonds to be given in accordance with the provisions of the proceedings authorizing the issuance of the Refunded Bonds.

(b) The County Administrator is hereby authorized, in his discretion, to select a bank or trust company to serve, or the County may itself serve, as Escrow Agent, if necessary, and to deliver to such Escrow Agent or applicable County officials irrevocable written instructions to give notices, or to cause such notices to be given, in the name and on behalf of the County, to the holders of the Refunded Bonds of the redemption of such Refunded Bonds on the date fixed for the redemption thereof, such notices to be given in the manner and at the time or times provided in proceedings authorizing the issuance of the Refunded Bonds.

(c) The County Administrator is hereby authorized, in his discretion, to execute and deliver an Escrow Deposit Agreement by and between the County and the Escrow Agent in such form as shall be approved by the County Administrator upon the advice of counsel (including the County Attorney or Bond Counsel), such approval to be conclusively evidenced by the execution of the Escrow Deposit Agreement by the County Administrator.

(d) The County Administrator is hereby authorized to select a verification agent, if necessary, in connection with the refunding of the Refunded Bonds.

SECTION 12. Authorization to Purchase Government Securities. The County Administrator is hereby authorized to execute, on behalf of the County, subscriptions for United States Treasury Obligations - State and Local Government Series, if any, to be purchased by the County in connection with the refunding of the Refunded Bonds. Such United States Treasury Obligations - State and Local Government Series, if any, so purchased shall be held by or on behalf of the County Treasurer or by the Escrow Agent under and in accordance with the provisions of any Escrow Deposit Agreement entered into in connection with the refunding of the Refunded Bonds. The County Administrator and the County Treasurer are hereby authorized to enter into such purchase agreements, including forward supply agreements, if any, as shall be required in connection with the refunding of the Refunded Bonds providing for the purchase by or on behalf of the County in the open market of direct general obligations of, or obligations the payment of the principal of and interest on which are unconditionally guaranteed by, the United States of America.

SECTION 13. Filing of This Resolution. The County Attorney is hereby authorized and directed to file a copy of this resolution, certified by the Clerk of the Board of Supervisors to be a true and correct copy hereof, with the Circuit Court of the County of Chesterfield.

SECTION 14. Invalidity of Sections, Paragraphs, Clauses or Provisions. If any section, paragraph, clause or provision of this resolution shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining portions of this resolution.

SECTION 15. Headings of Sections. The headings of the sections of this resolution shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of such sections or of this resolution.

SECTION 16. Effective Date. This resolution shall take effect upon its adoption.

EXHIBIT A

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
COUNTY OF CHESTERFIELD
GENERAL OBLIGATION PUBLIC IMPROVEMENT
REFUNDING BOND, SERIES OF 2004

REGISTERED REGISTERED

No. R-___ \$_____

INTEREST RATE: MATURITY DATE DATE OF BOND: CUSIP NO.

% _____, 20_____, 2004

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The County of Chesterfield (hereinafter referred to as the "County"), a political subdivision of the Commonwealth of Virginia, for value received, hereby promises to pay to the Registered Owner (named above), or registered assigns, on the Maturity Date (specified above), unless this Bond shall have been duly called for previous redemption and payment of the redemption price shall have been duly made or provided for, the Principal Amount (specified above), and to pay interest on such Principal Amount on _____, _____ and semiannually on each _____ and _____ thereafter from the date hereof or from the interest payment date next preceding the date of authentication hereof to which interest shall have been paid, unless such date of authentication is an interest payment date, in which case from such interest payment date if interest has been paid to such date, or unless such date of authentication is within the period from the sixteenth (16th) day to the last day of the calendar month next preceding the following interest payment date, in which case from such interest payment date if interest has been paid to such date, until the payment of such Principal Amount (each such date is hereinafter referred to as an interest payment date) at the Interest Rate (specified above) per annum, by check mailed by the Registrar hereinafter mentioned to the Registered Owner in whose name this Bond is registered on the books of registry kept and maintained by the Registrar, as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding each interest payment date; *provided, however,* that so long as this Bond is in book-entry only form and registered in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"), or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on this Bond shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer. Interest on this Bond shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

The principal of this Bond is payable upon presentation and surrender hereof at the office of the County Treasurer of the County in Chesterfield, Virginia (the "Registrar"). The principal of and interest on this Bond are payable in such coin or currency of the United States of America as at the respective dates of payment is legal tender for public and private debts.

This Bond is one of a duly authorized issue of Bonds (herein referred to as the "Bonds") of the aggregate principal amount of _____ Dollars (\$_____) of like date and tenor herewith, except for number, denomination, interest rate, maturity and redemption provisions, and is issued for the purpose of refunding in advance of their stated maturities certain previously issued general obligation bonds of the County, under and pursuant to and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, including Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), and a resolution duly adopted by the Board of Supervisors of the County under the Public Finance Act of 1991.

The Bonds of the issue of which this Bond is one maturing on and after _____, _____ (or portions thereof in installments of \$5,000) shall be subject to redemption at

the option of the County prior to their stated maturities on or after _____, _____ in whole or in part at any time, in such order as may be determined by the County (except that if at any time less than all of the Bonds of a given maturity are called for redemption, the particular Bond or portions thereof shall be selected by lot), at a redemption price equal to the principal amount thereof, together with the interest accrued on the principal amount to be redeemed to the date fixed for the redemption thereof.

If this Bond is redeemable and this Bond (or any portion of the principal amount hereof in installments of \$5,000) shall be called for redemption, notice of the redemption hereof, specifying the date, number and maturity of this Bond, the date and place or places fixed for its redemption and if less than the entire principal amount of this Bond is to be redeemed, that this Bond must be surrendered in exchange for the principal amount hereof to be redeemed and a new Bond or Bonds issued equalling in principal amount that portion of the principal amount hereof not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption by first class mail, postage prepaid, to the Registered Owner of this Bond at his address as it appears on the books of registry kept by the Registrar for the Bonds. The Registrar shall not be required to exchange or transfer this Bond later than the close of business on the forty-fifth (45th) next day preceding the date fixed for redemption of this Bond or any portion hereof. If notice of the redemption of this Bond shall have been given as aforesaid, and payment of the principal amount of this Bond (or the portion of the principal amount hereof to be redeemed) and of the accrued interest payable upon such redemption shall have been duly made or provided for, interest hereon shall cease to accrue from and after the date so specified for redemption hereof.

Subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the series of which this Bond is one, this Bond may be exchanged at the office of the Registrar for a like aggregate principal amount of Bonds of the series of which this Bond is one, of other authorized principal amounts of the same interest rate and maturity. This Bond is transferable by the Registered Owner hereof, in person or by his attorney duly authorized in writing, at the office of the Registrar but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the series of which this Bond is one, and upon the surrender hereof for cancellation. Upon such transfer, a new Bond or Bonds of the series of which this Bond is one, of authorized denominations and of the same aggregate principal amount, will be issued to the transferee in exchange herefor.

The full faith and credit of the County are irrevocably pledged to the punctual payment of the principal of and interest on this Bond as the same become due. In each year while this Bond is outstanding and unpaid, the Board of Supervisors is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes in the County are assessed, levied and collected, a tax upon all taxable property within the County, over and above all other taxes, authorized or limited by law and without

limitation as to rate or amount, sufficient to pay when due the principal of and interest on this Bond to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond shall not be valid or obligatory unless the certificate of authentication hereon shall have been manually signed by or on behalf of the Registrar.

It is hereby certified, recited and declared that all acts, conditions and things required to have happened, to exist and to have been performed precedent to and in the issuance of this Bond and the series of which it is one, do exist, have happened and have been performed in regular and due time, form and manner as required by law, and that this Bond and the Bonds of the series of which this Bond is one do not exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the County, by its Board of Supervisors, has caused this Bond to be executed by the manual or facsimile signature of the Chairman of such Board; a facsimile of the corporate seal of such Board to be imprinted hereon, attested by the facsimile signature of the Clerk of such Board; and this Bond to be dated _____, 2004.

[SEAL]

Attest:

Clerk of the Board of
Supervisors

Chairman of the Board of
Supervisors

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds delivered pursuant to the within-mentioned proceedings.

County Treasurer, as Registrar

Date of Authentication: _____.

ASSIGNMENT

For value received, the undersigned hereby sell(s), assign(s) and transfer(s) unto_____

(Please print or type name and address, including postal zip code, of transferee)

PLEASE INSERT SOCIAL SECURITY
OR OTHER TAX IDENTIFYING NUMBER
OF TRANSFEREE:

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to transfer such Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of The New York Stock Exchange, Inc. or a commercial bank or trust company.

(Signature of Registered Owner)
NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the front of this Bond in every particular, without alteration, enlargement or any change whatsoever.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.D.8. ADOPTION OF RESOLUTION RECOGNIZING SPECIALIST DANIEL ALLEN NELSON, UNITED STATES ARMY, FOR HIS CONTRIBUTIONS TO "OPERATION IRAQI FREEDOM"

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, America's military forces, in conjunction with coalition forces from several other nations, on the orders of the President of the United States of America, removed the Iraqi dictator Saddam Hussein and his regime from power; and

WHEREAS, this military operation, named "Operation Iraqi Freedom," was conducted to free the people of Iraq from years of tyranny and to make the United States, and the world, safer; and

WHEREAS, this war reminded Americans, and the world, that freedom and liberty are guarded daily by the men and women of the United States armed forces; and

WHEREAS, some of these military personnel call Chesterfield County home; and

WHEREAS, these Chesterfield County residents answered the call to duty honorably and without hesitation and are serving at posts and bases around the world, at sea, and wherever they are needed; and

WHEREAS, this Board of Supervisors supports the President and our troops, and commends all the members of the United States military for their daily dedication to duty and to keeping America strong and free; and

WHEREAS, the families of these military men and women also bear great sacrifice and uncertainty in the absence of their loved ones serving in far-off lands, usually for tours of duty lasting months or even years; and

WHEREAS, it is appropriate to recognize the courage and sacrifice of our active duty military members and their families; and

WHEREAS, Specialist Daniel Allen Nelson, United States Army is one of the courageous Americans who answered the call to duty in "Operation Iraqi Freedom."

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the sacrifice and courage of Specialist Daniel Allen Nelson, expresses its gratitude to him for making the world a safer place for freedom-loving people everywhere, and wishes our servicemen and women, wherever they may be serving, a safe tour of duty and speedy return to Chesterfield County upon completion of their service elsewhere on behalf of the nation.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.9. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

8.D.9.a. FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE CHESTERFIELD COUNTY SCHOOL BOARD TO PURCHASE A DIGITAL CAMERA FOR THE SCHOOL NEWSPAPER AT MATOACA MIDDLE SCHOOL

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board transferred \$300 from the Matoaca District Improvement Fund to the Chesterfield County School Board to purchase a digital camera for The School Newspaper at Matoaca Middle School.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.9.b. FROM THE BERMUDA, CLOVER HILL, DALE, MATOACA AND MIDLOTHIAN DISTRICT IMPROVEMENT FUNDS TO THE SCHOOL BOARD FOR POST PROM CELEBRATIONS

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board transferred \$1,800 from the Bermuda District Improvement Fund, \$2,300 from the Clover Hill District Improvement Fund, \$1,800 from the Dale District Improvement Fund, \$2,300 from the Matoaca District Improvement Fund and \$2,300 from the Midlothian District Improvement Fund (total of \$10,500) to the Chesterfield County School Board for drug and alcohol free post-prom celebrations subject to the conditions outlined in the papers of this Board.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

10.A. REPORT ON THE DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

10.C. REPORT ON ROADS ACCEPTED INTO THE STATE SECONDARY SYSTEM

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board accepted the following reports: a Report on Developer Water and Sewer Contracts; and a Status Report on the General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

And, further, the following roads were accepted into the state secondary system:

<u>ABANDONMENT</u>	<u>LENGTH</u>
7095-020- F08, C501 (Effective 1/15/2004)	
Indian Hill Road, Section 14 (Route 746) - From Route 1 (Jefferson Davis Highway) to 0.41 mile west of Route 1 (Jefferson Davis Highway)	-0.41 Mi.
Ruffin Mill Road, Section 10 (Route 746) - From 0.25 mile west of Route 620 to 0.41 mile west of Route 620	-0.16 Mi.
Ruffin Mill Road, Section 12 (Route 746) - From Route 620 to 0.13 mile west of Route 620	-0.13 Mi.
Ruffin Mill Road, Section 4 (Route 620) - From Old Route 746 to 0.05 mile north of Old Route 746	- 0.05 Mi.
Woods Edge Road, Section 5 (Route 620) - From Route 746 to 0.32 mile south of Route 746	-0.32 Mi.
Woods Edge Road, Sections 2,3,6 (Route 620) - From Route 1137 (Allied Entrance) to Route 620	-0.45 Mi.
<u>ADDITION</u>	<u>LENGTH</u>
7095-020- F08, C501 (Effective 1/15/2004)	
Old Ruffin Mill Road North, Section 16 (Route 962) - From 0.36 mile south of Route 620 to 0.07 mile north of Route 746	0.07 Mi.
Ruffin Mill Road, Section 15 (Route 746) - From 0.36 mile south of Route 620 to 0.45 mile south of Route 620	0.09 Mi.

Ruffin Mill Road, Section 17 (Route 746) - From Route 620 south to: 0.36 mile south of Route 620	0.36 Mi.
Ruffin Mill Road, Section 18 (Route 746) - From Route 1 (Jefferson Davis Highway) to Route 620	0.70 Mi.
Ruffin Mill Road, Section 21 (Route 963) - From Route 620 to 0.27 mile east of Route 620	0.27 Mi.
Ruffin Mill Road, Section 9 (Route 620) - From Route 746 to Route 620	0.19 Mi.
Ruffin Mill Road, Sections 1,7,8 (Route 620) - From Route 1137) to Route 746)	0.68 Mi.
<u>GREYFIELD PLACE, SECTION 4</u> (Effective 1/28/2004)	
Greywater Court (Route 5565) - From Greywater Drive (Route 5564) to Cul-de-sac	0.03 Mi.
Greywater Drive (Route 5564) - From Greyfield Drive (Route 4954) to Greywater Court (Route 5565)	0.10 Mi.
Greywater Drive (Route 5564) - From Greywater Court (Route 5565) to Cul-de-sac	0.03 Mi.
<u>JESSUP MEADOWS, SECTION D</u> (Effective 1/15/2004)	
Jessup Meadows Drive (Route 3928) - From Zion Ridge Drive (Route 5275) to 0.29 mile south of Zion Ridge Drive (Route 5275)	0.29 Mi.
<u>MEMPHIS BOULEVARD</u> (Effective 1/15/2004)	
Memphis Boulevard (Route 936) - From 0.20 mile north of Hull Street Road (Route 360) to 0.26 mile north of Hull Street Road (Route 360)	0.06 Mi.
<u>NORTH BAILEY BRIDGE ROAD</u> (Effective 1/15/2004)	
North Bailey Bridge Road (Route 651) - From Existing Intersection North Bailey Bridge Road (Route 651) and Route 360 to 0.07 mile north of Hull Street Road (Route 360)	0.07 Mi.
<u>OLD HUNDRED MILL, SECTION D</u> (Effective 1/15/2004)	
Mill Bluff Drive (Route 6022) - From Mill View Drive (Route 4765) to Waterwheel Drive (Route 5599)	0.08 Mi.
Mill View Drive (Route 4765) - From 0.10 mile east of Old Hundred Road (Route 754) to Mill Bluff Drive (Route 6022)	0.21 Mi.

Millstep Terrace (Route 5598) - From Waterwheel Drive (Route 5599) to Cul-de-sac	0.03 Mi.
Millstep Terrace (Route 5598) - From Waterwheel Drive (Route 5599) to Cul-de-sac	0.06 Mi.
Waterwheel Drive (Route 5599) - From Waterwheel Drive [loop], (Route 6021) to 0.07 mile south of Waterwheel Drive [loop], (Route 6021)	0.07 Mi.
Waterwheel Drive (Route 5599) - From Mill Bluff Drive (Route 6022) to Millstep Terrace (Route 5598)	0.11 Mi.
Waterwheel Drive (Route 5599) - From Waterwheel Drive [loop], (Route 6021) to Waterwheel Drive [loop], (Route 6021)	0.02 Mi.
Waterwheel Drive (Route 5599) - From Mill Bluff Drive (Route 6022) to Waterwheel Drive [loop], (Route 6021)	0.05 Mi.
Waterwheel Drive (Loop) (Route 6021) - From Waterwheel Drive (Route 5599) to Waterwheel Drive (Route 5599)	0.04 Mi.

PROVIDENCE CREEK, SECTION F
(Effective 1/23/2004)

Chesbay Court (Route 5640) - From West Providence Road (Route 678) to Cul-de-sac	0.04 Mi.
Creek Bottom Place (Route 5642) - From Creek Bottom Way (Route 4582) to Cul-de-sac	0.03 Mi.
Creek Bottom Terrace (Route 5643) - From Creek Bottom Way (Route 4582) to Cul-de-sac	0.07 Mi.
Creek Bottom Way (Route 4582) - From 0.08 mile west of Creek Bottom Court (Route 4583) to Creek Bottom Place (Route 5642)	0.03 Mi.
Creek Bottom Way (Route 4582) - From Creek Bottom Terrace (Route 5643) to Cul-de-sac	0.03 Mi.
Creek Bottom Way (Route 4582) - From Creek Bottom Place (Route 5642) to Creek Bottom Terrace (Route 5643)	0.06 Mi.
Creek Top Way (Route 5641) - From West Providence Road (Route 678) to Cul-de-sac	0.03 Mi.
West Providence Road (Route 678) - From 0.02 mile west of Providence Glen Turn (Route 4584) to Intersection Creek Top Way (Route 5641) and Chesbay Court (Route 5640)	0.04 Mi.
West Providence Road (Route 678) - From Intersection Creek Top Way (Route 5641) and Chesbay Court (Route 5640) to Cul-de-sac	0.04 Mi.

ST. JAMES WOODS, SECTION K
(Effective 1/23/2004)

Bantry Drive (Route 5647) - From Explorer Drive (Route 3998) to 0.02 mile south of Explorer Drive (Route 3998)	0.02 Mi.
--	----------

Explorer Drive (Route 3998) - From Bantry Drive
(Route 5647) to 0.03 mile west of Bantry Drive
(Route 5647) 0.03 Mi.

Explorer Drive (Route 3998) - From Nevis Drive
(Route 6069) to Intersection Moven Place (Route
5646) and Moven Drive (Route 5645) 0.12 Mi.

Explorer Drive (Route 3998) - From Intersection
Moven Place (Route 5646) and Moven Drive (Route
5645) to Bantry Drive (Route 5647) 0.16 Mi.

Moven Court (Route 5644) - From Moven Drive
(Route 5645) to Cul-de-sac 0.04 Mi.

Moven Drive (Route 5645) - From Moven Court
(Route 5644) to Cul-de-sac 0.07 Mi.

Moven Drive (Route 5645) - From Explorer Drive
(Route 3998) to Moven Court (Route 5644) 0.03 Mi.

Moven Place (Route 5646) - From Explorer Drive
(Route 3998) to Cul-de-sac 0.06 Mi.

STONEHENGE MEWS
(Effective 1/15/2004)

Blakeston Court (Route 2630) - From 0.02 mile
southwest of Blakeston Drive (Route 2752) to
Cul-de-sac 0.03 Mi.

VILLAGE WOODS
(Effective 1/15/2004)

Laughlin Way (Route 5379) - From Village Woods
Lane (Route 5378) to Maughan House Terrace
(Route 5380) 0.05 Mi.

Maughan House Terrace (Route 5380) - From Laughlin
Way (Route 5379) to Cul-de-sac 0.06 Mi.

Maughan House Terrace (Route 5380) - From Laughlin
Way (Route 5379) to Cul-de-sac 0.03 Mi.

Village Woods Lane (Route 5378) - From Laughlin
Way (Route 5379) to Cul-de-sac 0.03 Mi.

Village Woods Lane (Route 5378) - From Harrowgate
Road (Route 144) to Laughlin Way (Route 5379) 0.10 Mi.

WINDSOR PARK, SECTION 6
(Effective 1/15/2004)

Princess Mary Place (Route 5575) - From Princess
Mary Road (Route 4359) to Cul-de-sac 0.09 Mi.

Princess Mary Place (Route 5575) - From Princess
Mary Road (Route 4359) to Trumpington Court
(Route 5576) 0.10 Mi.

Princess Mary Road (Route 4359) - From 0.03 mile
west of Princess Mary Terrace (Route 4397) to
Princess Mary Place (Route 5575) 0.15 Mi.

Trumpington Court (Route 5576) - From Princess
Mary Place (Route 5575) to Cul-de-sac 0.08 Mi.

Trumpington Court (Route 5576) - From Princes
Mary Place (Route 5575) to Cul-de-sac 0.14 Mi.

ADMINISTRATIVE

LENGTH

7095-020- F08, C501

Old Ruffin Mill Road North, Section 11 (Route
962) - From 0.07 mile north of Route 746 to 0.19
mile north of Route 746) 0.12 Mi.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

11. DINNER

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board
recessed to the Administration Building, Room 502, for dinner
with members of the School Board.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Reconvening:

12. INVOCATION

Reverend Norwood Carson, Pastor of Tabernacle Baptist Church,
gave the invocation.

Mr. Stith expressed appreciation for the Board's support of
Black History Month events. He introduced members of the
Tabernacle Baptist Church "Wow" Choir.

The choir performed two musical selections.

**13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF
AMERICA**

Mr. Pitaro led the Pledge of Allegiance to the flag of the
United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

There were no resolutions or special recognitions at this
time.

**15. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON
THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:**
- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT
ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION
- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE
RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL
BE HEARD AT SECTION 17

04SN0166

In Bermuda Magisterial District, MELVIN L. FISHER requests amendment to Conditional Use (Case 00SN0262), Conditional Use Planned Development and amendment of zoning district map to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies in a Community Business (C-3) District on 1.1 acres fronting approximately 280 feet on the east line of Jefferson Davis Highway, also fronting approximately 280 feet on the south line of Pinehurst Street and located in the southeast quadrant of the intersection of these roads. Tax IDs 795-664-7592 and 795-665-6610, 7102 and 8407 (Sheet 26).

Mr. Jacobson stated the applicant has requested that the Board remand Case 04SN0166 to the Planning Commission.

Mr. Dean Hawkins, representing the applicant, requested that the Board remand Case 04SN0166 to the Planning Commission.

Mr. Miller called for public comment.

No one came forward to speak to the remand request.

In response to Mr. King's questions, Mr. Hawkins stated the applicant is purchasing additional property and will no longer need a setback reduction.

On motion of Mr. King, seconded by Mr. Warren, the Board remanded Case 04SN0166 to the Planning Commission.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

03SN0329 (Amended)

In Midlothian Magisterial District, LEWIS W. COMBS, JR. AND JAMES F. STEPHENS request rezoning and amendment of zoning district map from Residential (R-40) to Residential (R-15) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 6.5 acres fronting approximately 240 feet on the south line of Robious Road approximately 80 feet east of Sandhurst Lane and lying at the western terminus of Auger Lane. Tax ID 735-716-8642 (Sheet 2).

Mr. Jacobson stated the applicant has requested a deferral until April 28, 2004.

Mr. John Easter, representing the applicant, requested a deferral until April 28, 2004.

Mr. Miller called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board deferred Case 03SN0329 until April 28, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0151

In Midlothian Magisterial District, CHARTER COLONY SENIOR ASSOC., L.P. requests amendment to Conditional Use Planned Development (Case 94SN0138) and amendment of zoning district map to permit exceptions to Multifamily Residential (R-MF) District standards. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for planned transition area uses. This request lies in a Residential (R-7) District on 8.1 acres fronting approximately 700 feet on the north line of Woolridge Road, also fronting approximately 500 feet on the west line of Coalfield Road and located in the northwest quadrant of the intersection of these roads. Tax ID 726-702-Part of 9236 (Sheet 5).

Mr. Jacobson stated Mr. Barber has requested a deferral until March 24, 2004.

Mr. Barber stated some important neighborhood groups that were not contacted wanted to be involved very late in the process. He stated the applicant has asked for the shortest possible deferral time and requested the Board's consideration of deferring the request until March 24, 2004.

Mr. Miller called for public comment.

No one came forward to speak to the deferral.

Mr. Miller expressed concerns relative to hearing the request at the same time as the budget public hearing. He suggested that the case be heard on April 14, 2004 rather than March 24, 2004.

After brief discussion, on motion of Mr. Barber, seconded by Mr. King, the Board deferred Case 04SN0151 until April 14, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0172 (Amended)

In Bermuda Magisterial District, WOLFGANG WEBNER requests amendment to Conditional Use Planned Development (Case 84S043) and amendment of zoning district map relative to uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 7.6 acres and is known as 1 East Hundred Road. Tax ID 813-652-8742 (Sheet 27).

Mr. Jacobson presented a summary of Case 04SN0172 and stated the Planning Commission and staff recommend approval subject to one condition.

Mr. Wolfgang Webner stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 04SN0172 subject to the following condition:

Flooring, cabinet and appliance sales uses shall be permitted. (P)

(Note: This condition is in addition to Condition 2 of Case 84S043. All other conditions of approval for Case 84S043 remain in effect.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0181

In Matoaca Magisterial District, ROBERT E. MADDUX requests amendment to Conditional Use (Case 89SN0179) and amendment of zoning district map to permit furniture sales and relief to density requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies in a Neighborhood Business (C-2) District on 1.0 acre fronting approximately 160 feet on the south line of Hull Street Road, approximately 650 feet east of Deer Run Drive. Tax IDs 728-673-8137 and 8740 (Sheet 15).

Mr. Jacobson presented a summary of Case 04SN0181 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions.

Mr. Robert Maddux stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved Case 04SN0181 and accepted the following proffered conditions:

1. Furniture sales shall be permitted. (P)

(Note: This condition is in addition to Proffered Condition 1 of Case 89SN0179. With the approval of this request, Proffered Condition 3 of Case 89SN0179 shall be deleted.)

2. Architectural appearance of the proposed building addition, including modifications to the existing building, shall accomplish a consistent overall design using similar colors, materials and application that address the rooftop equipment screening and upgrade the

existing building to be compatible with the architecture of Harbour Pointe Shopping Center and/or the Japanese restaurant within the project. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0184

In Clover Hill Magisterial District, STIGALL DRIVE LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 - 4.0 units per acre. This request lies on 12.3 acres fronting approximately 380 feet on the west line of Stigall Drive, approximately 140 feet south of Frederick Farms Drive. Tax ID 743-682-3448 (Sheets 10 and 16).

Mr. Jacobson presented a summary of Case 04SN0184 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions. He noted the request conforms to the Northern Area Plan.

Mr. Larry Horton, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. King, the Board approved Case 04SN0184 and accepted the following proffered conditions:

1. The public water and wastewater systems shall be used. (U)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. (BI & P)
4. The minimum gross floor area for one (1) story dwelling units shall be 1400 square feet and dwelling units with more than one story shall have a minimum gross floor area of 1800 square feet. (BI & P)
5. The applicant, subdivider or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
 - a. \$9,000 per dwelling unit, if paid prior to July 1, 2004; or

- b. The amount approved by the Board of Supervisors not to exceed \$9,000 per dwelling unit adjusted upward by any increases in the Marshall and Swift Building Cost Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.
- c. In the event the cash payment is not used for the purpose for which proffered within fifteen (15) years of receipt, the cash shall be returned in full to the payor. (B&M)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

04SN0185

In Bermuda Magisterial District, DAVID BAYFORD requests rezoning and amendment of zoning district map from Residential (R-7) to Neighborhood Office (O-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for a mix of neighborhood office and single family residential use. This request lies on 0.5 acre and is known as 3317 West Hundred Road. Tax ID 794-655-0069 (Sheet 26).

Mr. Jacobson presented a summary of Case 04SN0185 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions. He noted the request conforms to the Chester Village Plan.

Mr. David Bayford stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Warren, the Board approved Case 04SN0185 and accepted the following proffered conditions:

1. Prior to any site plan approval, forty-five (45) feet of right-of-way on Route 10, measured from the centerline of that part of Route 10 immediately adjacent to the property shall be dedicated, free and unrestricted to, and for the benefit of Chesterfield County. (T)
2. Direct access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department. (T)
3. Prior to any site plan approval, an access easement acceptable to the Transportation Department shall be recorded from Route 10 to the adjacent property to the east. (T)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

04SN0186

In Bermuda Magisterial District, ROUNTREE PONTIAC-GMC TRUCK, INC. requests rezoning and amendment of zoning district map from Community Business (C-3) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor use. This request lies on 20.5 acres fronting approximately 1,200 feet on the west line of Jefferson Davis Highway approximately 2,000 feet south of Woods Edge Road, also fronting approximately 50 feet on the south line of the terminus of Lucia Drive. Tax ID 799-633-4547 (Sheets 34 and 41).

Mr. Jacobson presented a summary of Case 04SN0186 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions. He noted the request conforms to the Southern Jefferson Davis Corridor Plan.

Mr. Dean Hawkins, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Warren, the Board approved Case 04SN0186 and accepted the following proffered conditions:

1. Uses permitted shall be limited to the following:
 - a. Uses permitted by right or with restrictions in the Community Business (C-3) District
 - b. Mini-Storage/Self Storage Facilities (P)
2. Prior to any site plan approval, sixty (60) feet of right-of-way measured from the centerline of Route 1 immediately adjacent to the property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Direct access to the property shall be limited to two (2) entrances/exits. The exact location of these entrances/exits shall be approved by the Transportation Department. (T)
4. To provide an adequate roadway system, the owner/developer shall be responsible for the following:
 - a. Construction of an additional lane of pavement along Route 1 for the entire property frontage, if required by Transportation Department standards;
 - b. Construction of additional pavement along Route 1 to provide a separate right turn lane at the approved entrances/exits, if required by Transportation Department standards;
 - c. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. (T)

5. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 4, shall be submitted to and approved by the Transportation Department. (T)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

17. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

04SN0133

In Matoaca Magisterial District, GARY T. & BONNIE A. JENNINGS request rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) on 29.8 acres and a Conditional Use Planned Development on 7.9 acres relative to access in an Agricultural (A) District. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor and single family residential use of 2.0 units per acre or less. This request lies on 37.7 acres fronting approximately 130 feet on the south line of Hull Street Road, approximately 2,300 feet east of Baldwin Creek Road. Tax IDs 708-665-9636; 708-666-7360 and 9340; 708-667-7101 and 8937; 709-665-3176; 709-666-2039, 3731 and 4163 (Sheets 15 and 23).

Ms. Beverly Rogers presented a summary of Case 04SN0133 and stated the applicant has addressed concerns of the adjacent property owners related to closing the existing crossover by giving the existing business access to the proposed north-south roadway and providing an access easement and driveway to the rear of the parcel as well as an additional access easement. She further stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions, noting that the request conforms to the Upper Swift Creek Plan.

Mr. Andy Scherzer, representing the applicant, stated he believes the applicant has addressed the transportation issues raised by adjacent property owners and requested that the Board approve the proposal as recommended by the Planning Commission and staff.

Mr. Miller called for public comment.

Ms. Lee Dillar expressed concerns that vehicles might cut through the proposed rear access to the existing business to avoid the traffic light.

Ms. Mandy Wilson, representing the Task Force for Responsible Growth, requested that the Board defer this request along with the new zoning applications the Board has already deferred for 12 months to allow time for the Board to review recommendations or changes to the Upper Swift Creek Plan.

Mr. David Webb, President of FoxFire Homeowners Association, requested that the Board consider deferral of the request for an additional ten months or impose a condition that no residential homes be built until the crossover is relocated.

Mr. Scherzer stated Proffered Condition 8 provides that the crossover will be relocated in conjunction with initial development of the property. He requested the Board's approval of the proposed development.

There being no one else to speak to the request, the public hearing was closed.

Mrs. Humphrey stated the second access will provide a safe, non-blinding access for school buses that obtain diesel fuel from the existing business.

Mrs. Humphrey then made a motion, seconded by Mr. King, for the Board to approve Case 04SN0133 and accept the following proffered conditions:

1. Public water and wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following to the county of Chesterfield prior to the issuance of a building permit, for infrastructure improvements within the service district for the property:
 - a. \$9,000.00 per dwelling unit, if paid prior to July 1, 2003; or
 - b. The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.
 - c. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
4. Direct access from the property to Hull Street Road (Route 360) shall be limited to one (1) public road (the "Public Road"). The exact location of this access shall be approved by the Transportation Department. Prior to any construction plan approval, an access easement acceptable to the Transportation Department shall be recorded from the Public Road to the adjacent property to the east (Tax ID # 708-667-8988) and to the adjacent property to the west (Tax ID # 708-666-5170). (T)
5. In conjunction with the recordation of the initial subdivision plat, one hundred (100) feet of right of way on the south side of Hull Street Road, measured from the centerline of that part of Hull Street Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

6. In conjunction with recordation of the initial subdivision plat a ninety (90) foot wide right-of-way for an east/west arterial ("Hampton Park Drive Extended") from the eastern property line to the western property line shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
7. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
 - a. Construction of additional pavement along Route 360 at the Public Road intersection to provide a right turn lane, if warranted, based on Transportation Department standards;
 - b. Closing the existing crossover on Route 360 located approximately two hundred (200) feet east of the property and construction of a new crossover, including left turn lanes along both the eastbound and westbound lanes, on Route 360 at the Public Road intersection. If the Virginia Department of Transportation does not approve the closing of the existing crossover and constructing the new crossover, the developer shall then be required to construct an eastbound left turn lane at the existing crossover on Route 360 located approximately two hundred (200) feet east of the property;
 - c. Construction of two (2) lanes of Hampton Park Drive Extended through the property to VDOT urban minor arterial standards (50 mph), with modifications approved by the Transportation Department;
 - d. Construction of the Public Road as a three (3) lane typical section at the Route 360 intersection. The exact length of this improvement shall be determined by the Transportation Department;
 - e. Construction of an additional lane of pavement along Route 360 from the Public Road to the eastern property line of the adjacent parcel (Tax ID 708-667-8988);
 - f. Construction of a twenty-four (24) foot access drive from the public road to the adjacent property (Tax ID 708-667-8988). The exact location and treatment of this improvement shall be determined by the Transportation Department.
 - g. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in 7 a., the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the

acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)

8. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 7, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall include providing the improvements described in proffered conditions 7a, 7b, 7e, 7f and 7g in conjunction with initial development on the property. (T)
9. The property located north of the proposed east/west arterial or zoned Agricultural (A) and defined by the limits of this zoning request shall not be subdivided other than for the Public Road or for the Hampton Park Drive Extended rights of way, nor shall any residential building permit be issued on such property. (P)
10. The existing pond shall remain. (EE)
11. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
12. The minimum gross floor area for dwelling units shall be 2500 square feet. (BI)
13. The maximum density of this development shall not exceed 55 total lots. (P)
14. Prior to any construction plan approval, a thirty (30) foot wide access easement, acceptable to the Transportation Department, shall be recorded from the southern property line of the adjacent property to the east (Tax ID 708-667-8988) to the access easement defined in Proffered Condition 4. (T)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

01SN0149

In Bermuda Magisterial District, LAVERNE C. COLE requests amendment to Conditional Use Planned Development (Case 97SN0150) and amendment of zoning district map relative to architectural standards, uses permitted, number of parking spaces and density. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood commercial use uses. This request lies in a Neighborhood Business (C-2) District on 9.0 acres fronting approximately 850 feet on the north line of West Hundred Road, also fronting approximately 900 feet on the west line of Rock Hill Road and located in the northwest quadrant of

the intersection of these roads. Tax IDs 796-655-8223 and 8441 and 797-655-0018, 2444 and 3409 (Sheet 26).

Ms. Rogers presented a summary of Case 01SN0149 and stated the applicant has agreed to provide a traffic signal if it is warranted at the access to the subject property on Route 10. She further stated the Planning Commission and staff recommend approval of deletion of the architectural standards and the exception to the number of parking spaces. She stated staff recommends denial of the request to allow a freestanding fast food restaurant. She further stated the Planning Commission recommended approval of the freestanding fast food restaurant, noting that the Chester Village Plan suggests that such uses under certain circumstances would be appropriate. She stated staff has recommended denial of increasing the traffic density, indicating the increase could result in a traffic signal at the entrance to Route 10 and a new signal on Route 10 at Parker Lane would serve more development to include the subject site. She further stated the Planning Commission has recommended approval of increasing the traffic density, indicating that if a signal is warranted, the developer will bear the installation cost.

Mr. John Easter, representing the applicant, stated the existing zoning permits a fast food use as part of a convenience store. He further stated area residents support the proposed freestanding fast food restaurant. He stated he believes the proposal is consistent with the Plan and its impact on traffic will be minimal. He further stated, although he does not believe a traffic signal will be necessary, the applicant has offered a proffered condition to bear the cost of a traffic signal if it is warranted. He requested that the Board approve the proposal as recommended by the Planning Commission.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 01SN0149 subject to the following condition:

Parking spaces for any freestanding fast food restaurant shall be provided at a rate of two (2) parking spaces per 142 square feet of gross floor area, with a minimum of fifteen (15) spaces. (P)

(Staff Note: With approval of this case, Proffered Condition 1 of Case 97SN0150 is deleted.)

And, further, the Board accepted the following proffered conditions:

1. Use Restrictions. The following uses shall not be permitted on the Property:
 - a. Communication towers.
 - b. Motor vehicle rental.
 - c. Hospital.
 - d. Temporary outdoor Christmas tree sales.
 - e. Outdoor prepared food and fruit and vegetable vendors. (P)

(Staff Note: This condition supersedes Proffered Condition 2 of Case 97SN0150.)

2. Traffic Density Limitations. The maximum density on the Property shall be 4,000 square feet of police station, 22,042 square feet of post office, 6,000 square feet of dentist and 4,750 square feet of fast food restaurant or equivalent densities as approved by the Transportation Department. (T)

(Note: This condition supersedes Proffered Condition 20 of Case 97SN0150.)

3. Signalization. The developer of that portion of the property fronting on West Hundred Road and lying between Rock Hill Road and the main site access road, or his assignee, shall be responsible for full cost of traffic signalization, including dedication of any required right of way and construction of all necessary road improvements, at the intersection of Route 10 and the main site access road, if warranted as determined by the Transportation Department. Prior to any site plan approval, a phasing plan for these improvements shall be submitted to and approved by the Transportation Department.

In the event the developer is unable to acquire any offsite right of way necessary for such improvements, the developer may request, in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition of the offsite right of way shall be borne by the developer. In the event the County chooses not to assist in acquisition of offsite right of way, the developer shall be relieved of the obligation to acquire the offsite right of way, and shall only provide the road improvements and signalization that can be accommodated within available right of way as determined by the Transportation Department. (T)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0131

In Bermuda Magisterial District, TOM JOHNSON requests rezoning and amendment of zoning district map from Light Industrial (I-1) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use and light industrial uses. This request lies on 77.5 acres fronting in two (2) places for a total of approximately 400 feet on the west line of Old Stage Road approximately 1,500 feet south of Coyote Drive. Tax IDs 802-656-4121, 803-655-1650 and 803-656-3434 (Sheet 27).

Mr. Jacobson presented a summary of Case 04SN0131 and stated, staff supports the proposed land uses, but recommended denial of the request because it fails to address the traffic impact of the proposed development. He further stated the Transportation Department recommends that access to Old Stage

Road be provided with the initial development. He stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating the land use complies with the Plan and the applicant has agreed to provide access to Old Stage Road after the generation of 5,000 trips per day from the subject property.

Mr. Oliver "Skitch" Rudy, representing the applicant, stated the Planning Commission's recommendation is acceptable and requested the Board's approval of the proposed development.

Mr. Miller called for public comment.

No one came forward to speak to the request.

After brief discussion, on motion of Mr. King, seconded by Mr. Warren, the Board approved Case 04SN0131 and accepted the following proffered conditions:

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the properties known as Chesterfield County Tax Ids 802-656-4121, 803-655-1650 and 803-656-3434 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-5 as set forth in the above heading and the application filed herein is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. The public water and wastewater systems shall be used. (U)
3. Except as stated in Proffered Condition 5, uses shall be restricted to those permitted by right or with restrictions in the C-3 District and those uses permitted by right in the I-1 District. (P)
4. Development of the property, with sole access to Chestnut (Chestnut) Hill Road shall be limited to those uses and densities that are anticipated to generate not more than 5,000 average daily trips as determined by the Transportation Department. At such time as densities generate more than the 5,000 average daily trips as determined by the Transportation Department, then in addition to access to Chestnut Hill Road, applicant shall provide access to Old Stage Road. (T)
5. Use on Tax ID 803-656-3434-00000 shall be limited to those uses permitted by right in the I-1 District. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0171

In Bermuda Magisterial District, GDD PROPERTIES LLC requests rezoning and amendment of zoning district map from General Business (C-5) to Regional Business (C-4) of 3.6 acres with Conditional Use to permit an exposition building plus Conditional Use Planned Development on this property and 3.8 acres currently zoned General Business (C-5) to permit exceptions to Ordinance requirements relative to signage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 7.4 acres fronting approximately 75 feet on the north line of Willis Road approximately 330 feet west of Burge Avenue, also fronting approximately 550 feet on the west line of Burge Avenue approximately 230 feet north of Willis Road. Tax IDs 795-671-5688 and 795-677-4820 (Sheet 18).

Mr. Jacobson presented a summary of Case 04SN0171 and stated the Planning Commission and staff recommended approval of the rezoning to Regional Business (C-4). He further stated staff recommends denial of the signage exceptions, indicating that the current sign standards provide adequate identification for uses on the property. He stated the Planning Commission recommended approval of the signage exceptions, noting the proposed development will provide a usage for the vacant building and the applicant has only requested to reface the existing signs and not make them larger.

Mr. Andy Scherzer, representing the applicant, stated it is important for the proposed development to have visible signage to be economically vital, indicating that the sign on Willis Road is necessary to locate the entrance to the development. He stated he believes the circumstances are unusual and requested the Board's support of the Planning Commission's recommendation.

Mr. Miller called for public comment.

No one came forward to speak to the request.

Mr. King made a motion, seconded by Mr. Warren, for the Board to approve Case 04SN0171 subject to one condition.

Mrs. Humphrey stated she supports the applicant's request relative to signage, indicating that this has been done in other areas in the spirit of economic development.

Mr. Miller called for a vote on the motion of Mr. King, seconded by Mr. Warren, for the Board to approve Case 04SN0171 subject to the following condition:

The Textual Statement revised January 30, 2004, shall be considered the Master Plan. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16. PUBLIC HEARINGS

o TO CONSIDER THE EFFECTS OF METHYL TERTIARY BUTYL ETHER (MtBE) ON THE COUNTY'S PUBLIC WATER SUPPLY

Dr. Nelson reviewed the history of Methyl Tertiary Butyl Ether (MtBE) use. He stated health studies show that high doses of MtBE can temporarily affect the nervous system; rats and mice developed cancers and tumors when given high doses; and there is no clear evidence that MtBE can cause cancer in humans, but based on animal evidence MtBE in high doses is classified as having a potential to cause cancer in humans. He reviewed history of the MtBE health risk assessment. He provided details of various state drinking water regulations and guidelines for MtBE. He reviewed monitoring results of both raw water and finished water in Lake Chesdin, noting that the highest levels detected are well below the level for taste and odor detection. He stated conclusions regarding MtBE include a lack of consensus on human health effects; a wide variety of regulatory or monitoring requirements; thorough risk evaluation is needed; and monitoring levels of MtBE would be prudent. He reviewed staff's recommendations, including adopting a resolution requesting that the State Health Department study health effects of MtBE and establish possible limits for MtBE in drinking water in Virginia; requesting that the State Department of Game and Inland Fisheries perform a study to ascertain the age of boats and engine type of boats using Lake Chesdin; requesting that the county's congressional representatives work with the Environmental Protection Agency (EPA) to try to expedite completion and release of EPA's report on MtBE; requesting that the Appomattox River Water Authority test for MtBE levels in treated water on a monthly basis during the months of May through November of each year in addition to continuing the current testing program; and adopting a resolution requesting that the state begin the regulatory process for banning MtBE in gasoline/petroleum products sold in Virginia.

In response to Mr. Miller's questions, Dr. Nelson stated it would be difficult to provide the Board with a figure to use for limiting MtBE detection, indicating that he believes between 15 and 20 parts per billion would be adequate. He further stated MtBE is very water-soluble, evaporates quickly, and is removed by the flow of water quickly, which is the reason the levels were low during the rainy summer of 2003.

Discussion ensued relative to detection of MtBE in ground water.

In response to Mr. Warren's questions, Dr. Nelson stated children and pregnant women are generally more at risk for any kind of toxin or pollution because of the developing bodies.

Discussion ensued relative to drinking water regulations in California and other states.

When asked, Dr. Nelson stated carbureted two-cycle engines are the worst MtBE pollutant of Lake Chesdin. He further stated gasoline spillage also is responsible for MtBE pollution.

Mr. Miller excused himself from the meeting.

In response to Mrs. Humphrey's question, Dr. Nelson stated that, although MtBE levels tend to be higher near marinas, the issue involves Lake Chesdin in its entirety.

Mr. Micas stated the border of Chesterfield County is the southern high water mark of the Appomattox River; therefore, all of Lake Chesdin is within the county's borders. He further stated the land beneath Lake Chesdin is owned by the Appomattox River Water Authority and the authority can control recreational use on its own property. He stated the county has the ability to adopt regulations relating to the venting of exhaust or speed, but they must be approved by the State Department of Game and Inland Fisheries.

Mr. Ramsey stated the Department of Game and Inland Fisheries has indicated they would consider very strongly the desires of the owner if the Board were to adopt a resolution recommending restriction of recreational activities on Lake Chesdin.

Mr. Ramsey called forward Mr. Richard "Dee" Hartman to answer any questions the Board might have.

In response to Mr. Warren's question, Mr. Hartman stated that, since health effects data is not yet available, he would not recommend banning boats at this time, but would recommend requesting the state and the EPA to consider banning MtBE as a gas additive, which would alleviate the problem. He further stated he is more concerned about MtBE in the ground water.

Mr. Barber called for public comment.

Ms. Lee Dillar expressed concerns that the new federal energy bill will absolve the developers of MtBE of any blame in any future problems that arise.

Mr. Miller returned to the meeting.

Mr. Tom Pakurar, co-chair of Hands Across the Lake, stated the Appomattox River Water Authority has advanced technology installed to remove some of the MtBE out of the lake. He further stated he believes the county should make every attempt to keep MtBE levels at a minimum for the future of the county. He suggested that data be taken on a weekly basis during the critical summer boating months. He stated he believes additional data should be collected prior to making a decision.

Ms. Mardene Wyatt expressed concerns relative to contaminants in the county's drinking water. She referenced a recent newspaper article relative to the EPA's finding that MtBE is absorbed through the skin. She stated no gasoline powered engines are permitted on Swift Creek Reservoir and requested that the Board eliminate all gasoline powered engines on Lake Chesdin.

Mr. Kevin Page stated he does not think it is logical to gas up a fresh water reservoir that is used for a potable drinking source at the potential threat to the health, safety

and welfare of citizens. He expressed concerns that the County Code prohibits dumping hydrocarbons into wastewater, but allows depositing of gasoline containing MtBE through two-cycle engine use on Lake Chesdin.

Mr. Dick Page stated the county has been blessed with a good flushing of the reservoir following a drought; otherwise, the MtBE levels would have increased considerably. He further stated previous and current Boards of Supervisors have contributed to the problem of contaminants in drinking water by allowing boats on the lake. He stated he believes the Board should take the necessary actions to keep the MtBE level in Lake Chesdin as low as possible or eliminate it. He further stated two-cycle engines are the contributor to the contamination of our drinking water. He referenced a letter he presented to the Board earlier indicating that once MtBE is ingested into the system, it is accumulated in the liver and carried over and results in the transformation of formaldehyde, indicating that he cannot find where the EPA has refuted this. He provided data relative to the average number of boats that use Lake Chesdin and expressed concerns that approximately 112,500 gallons of fuel are used by these boats; 30 percent of the gasoline goes into Lake Chesdin as raw fuel; and 4,050 gallons of raw MtBE goes into the lake during every boating season. He stated the Board needs to take a serious look at two-cycle engines from the standpoint of both health and risk management. He requested that the Board consider adopting a resolution requesting that the Appomattox River Water Authority Board of Directors take the necessary steps to restrict two-cycle gasoline watercraft from Lake Chesdin.

Ms. Diana Parker, representing the Sierra Club, requested that the Board go forward with restrictions on two-cycle engines in Lake Chesdin. She stated she does not believe staff's recommendations go far enough to protect the county's drinking source and would like to see additional efforts.

Mr. Scott Camp stated 40 percent of the boaters in Chesdin Landing have already purchased four-cycle engines and he feels more of them will be doing so.

There being no one else to speak to the issue, the public hearing was closed.

Mrs. Humphrey requested that Ms. Salvati review the data provided by Mr. Page. She stated she does not feel the Board is in a position to make a decision relative to staff's recommendations until more consistent data is available. She further stated she feels it would be a good idea to test MtBE levels on a weekly basis on Mondays during the boating season.

Mr. Miller stated he is not prepared to make a decision tonight, but would be inclined to place a conservative value on the MtBE level in drinking water that would trigger an action.

Mr. King thanked Mr. Page for his passion and persistence, indicating that he, too, believes this is an important issue. He stated that, if 40 percent of the boaters have already purchased four-cycle engines as Mr. Camp indicated, part of the problem is already rectifying itself without the Board's

intervention. He further stated he agrees that the Board needs additional time to absorb the data before making a decision and supports deferral of the issue.

Mr. Warren expressed appreciation for the excellent information provided, indicating he believes this is a serious issue that the Board needs to study further before taking any action.

Mr. Barber made a motion for the Board to direct staff to bring back recommendations after the Environmental Protection Agency's report on MtBE has been released.

Mr. Miller stated he thinks if results of monitoring the levels of MtBE reaches a certain point, perhaps the Board should not wait for the EPA report before taking action.

Mr. Barber amended his motion to include immediate notification of the Board if water testing reveals a level of MtBE exceeding 15 parts per billion.

Mr. Warren seconded Mr. Barber's amended motion.

Mr. Miller called for a vote on the amended motion of Mr. Barber, seconded by Mr. Warren, for the Board to direct staff to provide recommendations to the Board after the Environmental Protection Agency's report on MtBE is released and to notify the Board immediately if water testing reveals a level of MtBE exceeding 15 parts per billion.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

18. ADJOURNMENT

On motion of Mr. Barber, seconded by Mr. Miller, the Board adjourned at 9:30 p.m. until March 8, 2004 at 5:00 p.m.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Lane B. Ramsey
County Administrator

Kelly E. Miller
Chairman